

53588-013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
JOHN P. PETTIT

Serial No.: 08/901,687

Filing Date: July 28, 1997

For: A METHOD AND SYSTEM FOR  
DETECTING FRAUD IN A CREDIT CARD  
TRANSACTION OVER THE INTERNET



Examiner: J. CAMPA

Art Unit: 2765

Hon. Assistant Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

DECLARATION OF THOMAS A. ARNOLD

I, THOMAS A. ARNOLD, declare:

1. I am Vice President, Engineering of Internet Commerce Services Corporation ("ICS"), d/b/a CyberSource Corporation ("CyberSource"), which is the sole Assignee and the owner of the entire right, title and interest in the above-referenced patent application.

2. I have been employed by ICS and its legal predecessor, CyberSource Corporation, since March 18, 1996. I have read the Office Action mailed December 23, 1998 by the U.S. Patent & Trademark Office in this application and its attachments. I have personal knowledge of the facts and circumstances relating to the first release by CyberSource of its "ICS CommerceFLEX" and "CyberSource IVS" products and services.

3. The Office Action refers to a press release from PRNewswire, San Jose, California, April 30, 1996 that refers to a product called "CyberSource IVS." At the time of publication

of the press release dated April 30, 1996, the CyberSource IVS product had not been commercially released and was not in public use. Any statement or inference in the press release that IVS was commercially available, on sale, or in public use is incorrect. At that time, CyberSource had placed in commercial use for and by "software.net" (a single merchant wholly owned by CyberSource Corporation) a predecessor service, "score.pl." It could carry out a limited form of fraud detection for Internet transactions; however, that service, and what is described in the press release, is not the invention that is disclosed and claimed in this patent application.

4. CyberSource commercially first released an embodiment of the subject matter of this patent application as part of "ICS CommerceFLEX, Software Version 2.0," on March 3, 1997.

5. I have reviewed the materials that are being filed as part of an Information Disclosure Statement in this application. One of the documents we are submitting is a Developer's Guide and Reference for ICS CommerceFLEX, Software Version 2.0, Revision 2.03, April 14, 1997. This document contains describes an embodiment of the subject matter of this application. This is the first published document describing an embodiment.

6. Paragraph 10 of the Office Action identifies a document entitled "CyberSource IVS" accessible on the Internet at [http://www.cybersource.com/html/solutions/fraud\\_main.html/#overview](http://www.cybersource.com/html/solutions/fraud_main.html/#overview). CyberSource first published this document, in the sense of making it available online, in 1998.

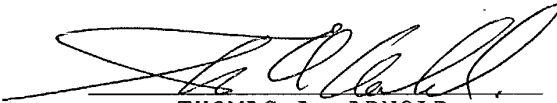
7. A comparison of "CyberSource IVS" version 3.0 to ICS CommerceFLEX will reveal numerous differences. For example, ICS CommerceFLEX did not include software or other elements corresponding to an Internet identification verification system as described in this patent application. Further, the consistency check element could not cooperate with the Internet identification verification system, and the databases did not incorporate information from a plurality of merchants. The

Internet identification verification system could not be accessed and supplemented by other merchants.

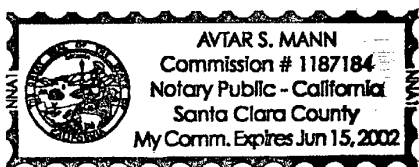
8. The dates set forth in this Declaration are not, and should not be construed as, a date of invention of the subject matter of this patent application.

Having been warned under 18 U.S.C. 1001 that any false statements made in this Declaration may adversely affect the validity of any patent issuing from the present application, I hereby declare that all statements made by me herein are true, and all statements made by me upon information and belief are believed by me to be true.

SUBSCRIBED AND SWORN at San Jose, California, on April 15, 1999.

  
THOMAS A. ARNOLD

*Subscribed and Sworn before the undersigned  
Notary on 04-15-99  
Avtar S. Mann.*



**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231

on 4-21-99 by Kim Alca